

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF OHIO - EASTERN DISTRICT

- - - - - x

MENG HUANG, :

Plaintiff, :

v. : Case No.:

THE OHIO STATE : 2:19-cv-1976

UNIVERSITY and :

GIORGIO RIZZONI, :

Defendants. :

11 - - - - - x
12 DEPOSITION OF LAUREN RIKLEEN
13 Conducted Virtually
14 Friday, March 12th, 2021
15 9:02 a.m. EST

23 Job No.: 356168
24 Pages: 1 - 104
25 Reported By: Megan Kurwitz

Transcript of Lauren Rikleen
Conducted on March 12, 2021

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1 P R O C E E D I N G S

2 THE REPORTER: Do you solemnly swear or
3 affirm under the penalties of perjury that the
4 testimony you shall give will be the truth, the
5 whole truth, and nothing but the truth?

6 THE WITNESS: Yes, I do.

7 EXAMINATION

8 BY MS. CORL:

9 Q Ms. Rikleen, good morning. My name is
10 Christina Corl. We met before we went on the
11 record this morning. I represent the defendants
12 in this case, the Ohio State University and Dr.
13 Giorgio Rizzoni.

14 Now, I know you have not worked as an
15 expert witness before, but have you ever been
16 deposed before?

17 A I have not.

18 Q Okay. Well, this is exciting. So let me
19 give you -- I know you're an attorney, and you may
20 already know this, but for purposes of the record,
21 let me give you some ground rules. As you can
22 see, Megan is here taking down everything both of
23 us say. So it's important, even though we're on
24 video, that you speak your answers out loud as
25 opposed to nodding your head or shaking your head

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1 Q Okay. So tell me -- now, I know you're a
2 licensed attorney; is that correct?

3 A Yes.

4 Q Are you licensed anywhere except
5 Massachusetts?

6 A No.

7 Q Okay. And so tell me -- I want to know a
8 little bit about -- are you currently actively
9 practicing law?

10 A No.

11 Q When is the last time you actively
12 practiced law?

13 A I left my law firm at the end of 2010.

14 Q Okay. And while -- and so when did you
15 start practicing? Do you remember the year?

16 A I graduated law school in '79.

17 Q Okay. Did you start practicing the same
18 year or about then?

19 A I had -- I had -- I worked for about a
20 year and a half for an organization providing
21 judicial education in Massachusetts. And after
22 that, I went to the Environmental Protection
23 Agency and began practicing law at that point in
24 time.

25 Q Okay. So if I say roughly you practiced

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1 law for roughly 30 years; is that about right?

2 A Yeah. Yes.

3 Q Okay. And tell me what your practice
4 focused on when you were a practicing attorney.

5 A Environmental law, and I also served as a
6 mediator.

7 Q During your time as a practicing attorney,
8 did you ever prosecute any civil cases that
9 alleged sexual harassment or gender
10 discrimination?

11 A No.

12 Q During the time that you practiced law,
13 did you defend any civil cases that involved
14 allegations of sexual harassment or gender
15 discrimination?

16 A No.

17 Q Since you stopped practicing law, have you
18 been involved in any respect in any civil
19 litigation involving issue -- other than this
20 case, right? -- have you been involved in any
21 respect in any civil cases involving allegations
22 of sexual harassment or gender discrimination?

23 A So if I could just clarify your questions
24 to the extent that you are -- you're focusing
25 specifically on litigation, the answer is no. To

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1 already covered that topic. So I'm talking about
2 what involvement you had during your law practice
3 with any sort of cases or incidents or anything
4 involving sexual harassment.

5 A So I would divide it into a couple of
6 different categories. One is while I was
7 practicing law, I wrote my first book in which I
8 was analyzing institutional impediments to women
9 succeeding in the -- you know, in the legal
10 profession -- professional services. And in the
11 context of writing that book, I did research in a
12 variety of these issues and interviewed hundreds
13 of women around the country in which a part of
14 those conversations were about their experiences
15 with workplace misconduct and harassment and some
16 of the issues that were raised -- that are raised
17 in this case as well as in my last book.

18 I also, as the only -- only one of two
19 women partners in my law firm and the -- only the
20 woman partner who was a mother, was heavily
21 involved in issues in my firm for a number of
22 years as they came up, including ultimately
23 creating a -- a leadership committee comprised of
24 senior lawyers in our firm, myself included, to
25 specifically address issues around women's

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1 clear.

2 Have you ever -- well, have you ever had
3 any formal training of any kind about how to act
4 as an investigator for claims of sexual
5 harassment? And let's start with in the
6 workplace.

7 A No.

8 Q Okay. Have you ever had any formal
9 training of any kind regarding how to act as an
10 investigator to investigate claims of sexual
11 harassment in -- on a college campus?

12 A No.

13 Q Have you ever acted as an investigator to
14 investigate claims of sexual harassment in the
15 workplace?

16 A So I just wanted to clarify again, I'm not
17 including in my answers, because of the narrow
18 focus of your question, 20 years of researching,
19 writing, speaking about, and interviewing people
20 on this topic around the world, literally. So --
21 but to the extent it is a very narrowly framed
22 question about participating in a formal
23 investigative process, then the answer would be
24 no.

25 Q Well, actual -- so that actually doesn't

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1 really answer my question. It answers my next
2 question. My question was: Have you ever served
3 as the investigator, not participated, served as
4 the investigator for a claim of sexual harassment
5 in the workplace?

6 A No.

7 Q Okay. Have you ever served as the
8 investigator for purposes of investigating a claim
9 of sexual harassment on a college campus?

10 A No.

11 Q Okay. Have you ever had any formal
12 education or training on how to assess the
13 credibility of witnesses who are being interviewed
14 in the course of an investigation into sexual
15 harassment?

16 A Well, that's a narrowly -- very narrowly
17 focused question. So the answer to that very
18 narrowly focused question would be no.

19 Q Okay. Have you ever had any formal
20 education or training on how to adjudicate claims
21 of sexual harassment on college campuses pursuant
22 to the requirements of Title IX?

23 A If you are asking -- when you say the word
24 "formally," to the extent you're talking about a
25 specific course or program, then my answer is no.

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1 But I keep going back to -- to the extent we're
2 talking about all of the other work and research
3 and writing I have done, it's, you know, a much
4 for -- a much broader picture. But no to the very
5 specific question about a course on Title IX.

6 Q Right. No. I -- look. I know you've
7 conducted research, right? I get it. Research is
8 one thing, right? Actual experience adjudicating
9 claims is something very different, in my opinion.
10 So that's why I'm asking you these questions.

11 So you haven't had any training. Have you
12 ever participated -- personally participated in
13 the adjudication of a claim of sexual misconduct
14 on any college campus pursuant to the dictates of
15 Title IX?

16 A No.

17 Q So your only involvement with any
18 allegations of sexual misconduct -- and correct me
19 if I'm wrong -- is really as a researcher, right?
20 You interview women. You've written some books
21 about various issues involving gender disparity
22 and sexual harassment, but you've never been
23 personally involved in adjudicating any claims of
24 sexual harassment?

25 A Well, I -- I wouldn't characterize the

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1 introductory part of your -- of your question the
2 way that you did. I -- I view myself as far more
3 than a researcher, although I think the research
4 that I do is critical and broad and expansive.
5 But I would certainly say that the last book that
6 I wrote, The Shield of Silence, looking at how
7 power perpetuates a culture of harassment is
8 directly related to these issues. It wasn't a
9 side issue; it was the issue in which I reviewed
10 just, you know, major peer-reviewed work around
11 the world, work that's in the most prestigious
12 journals. The book itself was published by the
13 American Bar Association, which is a very
14 difficult publisher to break into. So I -- I
15 would not say that that was just research effort.
16 So I just want to clarify the beginning part. But
17 the formality -- and that is not what I do. I am
18 not a formal investigator. I'm not a formal
19 adjudicator in the way that you're asking those
20 questions.

21 Q Okay. Well -- - and I ask those questions
22 because you've issued a very lengthy report with
23 all of your opinions about how the Ohio State
24 University did not properly conduct this
25 investigation, and you've never conducted an

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1 investigation in your entire life, right?

2 A My report -- my analysis was not to -- it
3 was an analysis looking at a bunch of data points,
4 that is, "What Happened?" And what happened to
5 Meng along the way that may, you know, again,
6 with -- with an expert, I assume the facts are the
7 facts. I'm not an adjudicator of facts. I have
8 to assume a certain set of facts is presented.
9 And then I analyze why the silence? What was the
10 power imbalance here? What were the privileged
11 issues? What were the issues that were missed?
12 It doesn't take being trained as a formal
13 investigator, after 30-plus years of practicing
14 law and being, you know -- writing four books and
15 hundreds of articles to actually understand and be
16 able to analyze a set of information against
17 decades of research and draw some conclusions
18 about that.

19 Q Okay. All right.

20 We'll get to your report; I promise. So
21 have you ever in your lifetime ever drafted an
22 investigation report for purposes of summarizing a
23 sexual harassment investigation?

24 A No.

25 Q Have you ever drafted any kind of

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1 investigation report for any issue?

2 A I -- can you just clarify what you mean?

3 Q Sure. Let's focus on the workplace. Have
4 you ever drafted a report following an
5 investigation that was conducted regarding
6 anything in the workplace?

7 A Again, back to this topic -- no. No.

8 Q Okay. Do you have any formal training at
9 all about how to write an investigation report?

10 A Formal training meaning did I take a
11 course on that? I did not.

12 Q And you don't have any experience in that
13 area, either, because you've never written an
14 investigation report; is that correct?

15 A I have not written an investigative
16 report. I have analyzed many. I've written about
17 them. I -- and having had numerous roles in
18 college environments, I've had opportunities to --
19 as a visiting scholar, as a college trustee to be
20 involved in these issues in different ways in a
21 college environment; but, no, I did not have a
22 formal role. That's not what I do.

23 Q Have you ever had any formal training
24 about methods by which to interview victims of
25 sexual violence?

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1 A No.

2 Q Have you ever sat in on an adjudication
3 hearing for claims of sexual misconduct on a
4 college campus?

5 A No.

6 Q Have you ever interviewed for any of your
7 research any sexual harassment investigators,
8 either investigators in the workplace or on
9 college campuses?

10 A I have -- in the course of the work I do,
11 I have spoken to people who are in that role. I
12 don't know when you asked "interviewed," but I
13 speak to people who have numerous relationships to
14 these issues quite frequently and over a period of
15 years.

16 Q Well, have you ever interviewed any of
17 these investigators about the proper method by
18 which to conduct an investigation into sexual
19 misconduct?

20 A No.

21 Q Okay. Can you tell me what the United
22 States Supreme Court's definition is of sexual
23 harassment pursuant to Title VII? Let's start
24 with that first.

25 A Off the top of my head, in specific

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1 detail, no.

2 Q Okay. How about the -- and I have two
3 questions about Title IX. At the time that the
4 investigation was going on in this case in 2017
5 and 2018 related to Ms. Huang, can you tell me
6 what the United States Department of Education's
7 definition of sexual harassment was for purposes
8 of the application of Title IX?

9 A I would not purport to try to recite
10 anybody's definition of sexual harassment by
11 memory.

12 Q Okay. How about, can you tell me what the
13 United States Department of Education's current
14 definition of sexual harassment is for purposes of
15 application of Title IX?

16 A Same answer.

17 Q Have you ever at any time in your career
18 drafted any policies or procedures to outline the
19 manner in which sexual harassment or sexual
20 misconduct investigations should be completed?

21 A No.

22 Q Okay. Did you -- in this case, did you
23 review the Ohio State University's sexual
24 harassment policies and procedures?

25 A I -- I did not review their procedures. I

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1 -- it was -- I reviewed the information that Ohio
2 State thought was important enough to include
3 within the report of what they included in their
4 analysis. But I did not go outside the pages of
5 that report into Ohio State's process or
6 procedures. That was not what I was -- that was
7 not within the bounds of my expertise in doing
8 this report. I never purported that that was it.

9 Q No. No. I -- yeah.

10 A So it's a clearly different analysis. I'm
11 not the investigator.

12 Q I know. I'm not accusing you of anything.
13 I just need to know these questions because --

14 A Sure.

15 Q -- listen. I have deposed a million
16 experts, and I can tell you that without
17 exception, experts come up with opinions that
18 aren't actually in their pages. Okay. So I need
19 to figure out what you looked at and what you have
20 opinions about because I don't want, at the trial,
21 for you to sit up on the stand and say, "Oh, yeah.
22 And also Ohio State's policies aren't good."
23 Right?

24 A Sure.

25 Q So I'm not accusing you of anything.

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1 respectful work environments that is normative.

2 That's what I focus on.

3 Q Okay. Can you tell me what the legal
4 responsibility is of an employer who receives a
5 report of sexual harassment from an employee?

6 A I'm not sure what you mean, "the legal
7 responsibility." Do you mean --

8 Q This is a --

9 A -- the (indiscernible) own policies
10 or

11 (Simultaneous conversation.)

12 Q You're -- well, this is a lawsuit, right?
13 So we're talking about legal responsibilities. My
14 question is: Can you tell me what the legal
15 responsibility is of an employer who receives a
16 report of sexual harassment from an employee?

17 A So I am not -- I would not answer that
18 question just off the top of my head because I
19 don't purport to be providing legal advice to
20 employers about what to do when a claim is made.
21 That is not my expertise. My expertise is on what
22 they should do. What -- how do you create a --
23 how do you go even beyond what the law requires to
24 ensure you have a workplace where people feel safe
25 and where they feel respected. My job is not --

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1 my -- my role is not to give legal advice. I
2 absolutely do not give legal advice in any way on
3 this topic.

4 Q Okay. So you can't tell me what the legal
5 responsibility is of an employer to take action
6 following a report of sexual harassment from an
7 employee; is that correct?

8 A I -- that -- I don't think that's a -- is
9 that a correct -- I'm not even sure how to answer
10 your question. I'm saying I would not -- first of
11 all, I am sure that the answer would vary
12 depending on, to some extent, what state you're
13 in, what the requirements are within the setting,
14 and I don't -- I'm not sure where you're going
15 with that question, but I'm not comfortable
16 answering it just off the top of my head.

17 Q Okay. Well, how about federal law? Under
18 federal law, under Title VII, if an employer gets
19 a report of sexual harassment, what is it required
20 to do?

21 A You're going to have to --

22 Q If you don't know, you --

23 MR. FOX: Objection. Objection. You're
24 asking for a legal --

25 THE WITNESS: Right.

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1 numbered. It's page 1 of the report. What is --
2 I talk there also about her -- her silence and the
3 reason for her silence. I would include that as
4 part of my opinion.

5 Q Okay.

6 A So I would say my opinion is really
7 comprised of what's in the introduction and the
8 conclusion.

9 Q Okay. So -- but I -- lot of words, right?

10 MS. CORL: So actually we can take our
11 break now. We can come back to this when we --
12 after we take our break.

13 MR. FOX: Thank you.

14 (Whereupon, a recess was taken.)

15 BY MS. CORL:

16 Q Okay. So before we went off the record --
17 I want to make sure I have -- as I explained
18 earlier, the reasons I'm doing this, I want to
19 make sure I have properly described all of your
20 opinions. Okay.

21 So one of your opinions has to do with the
22 reasons that Ms. Huang stayed silent and did not
23 report her sexual harassment; is that correct?

24 A Yes.

25 Q Okay. The other portion of your opinion

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1 is that the university's investigation into Ms.
2 Huang's claims discounted or entirely ignored
3 information provided by Ms. Huang and diminished
4 her experiences by only partially addressing
5 claims that they did address.

6 Is that another one of your opinions?

7 A Yes.

8 Q And then I understand that the last one of
9 your opinions is as follows: The investigators
10 ignored the considerable available information
11 demonstrating that sexual harassment involves a
12 power dynamic that is perpetuated when those in
13 positions of power and privilege are protected by
14 deeply entrenched institutional dynamics that fail
15 to hold perpetrators accountable and leave victims
16 too fearful of retribution to report the
17 misconduct, research that is directly applicable
18 to how Ms. Huang describes her own experiences; is
19 that correct?

20 A Yes. Correct.

21 Q Do you have any -- do you have any other
22 opinions related to this case?

23 A So if you are reading into the record my
24 opinion, I would just, again, go back to the first
25 page and broaden perhaps what you had read about

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1 her remaining silent and include that, the second
2 sentence of the second paragraph in its entirety
3 to just -- to be more comprehensive.

4 Q Okay. And that relates back to your first
5 opinion about why Ms. Huang remained silent; is
6 that correct?

7 A Yes.

8 Q And tell me again the second -- second
9 sentence of the second paragraph. Is that what
10 you said? On the first page?

11 A You -- you were correct that the first
12 part -- yes. The second sentence of the second
13 paragraph on the first page.

14 Q Okay.

15 A And you -- you addressed correctly a piece
16 of that. I just would suggest if you were reading
17 into the record the entire opinion, you would want
18 to have that full sentence, which is long but,
19 nonetheless, contains all of the information.

20 Q Oh, that's right. That second sentence is
21 an entire paragraph, right?

22 A Hey, come on, now.

23 Q Okay. I want to make sure I have it in
24 the record. Okay. So far --

25 A I'm sensitive to those things; but, yes.

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1 Here it was necessary.

2 Q What I'm about to read into the record
3 relates back to your first opinion about the
4 reasons Ms. Huang remained silent; is that
5 correct?

6 A Yes.

7 Q Okay. And as part of that opinion, this
8 is what you have said: I was asked to -- oh, no.
9 "My opinion is that Ms. Huang remained silent
10 because she was aware of the significant power
11 differential that existed between her and OSU
12 Professor Giorgio Rizzoni that her fear of
13 retaliation was confirmed to be accurate by
14 Professor Rizzoni's response to her increased
15 resistance and that her fears were further
16 confirmed by the reaction of both Professor
17 Rizzoni and OSU to her allegations where Ms.
18 Huang's credibility was discounted and her
19 experiences were diminished throughout the
20 investigative process;" is that correct?

21 A Yes.

22 Q I'm giving you one more opportunity. Any
23 other opinions that you have about this case that
24 we have not already discussed?

25 A I --

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1 Q And I'm going to go through your report.

2 I'm going to go through your report.

3 A Okay. I mean, I guess the only -- those
4 are the conclusory opinions for sure. I certainly
5 express opinions throughout the report as we go,
6 but those were the conclusions, yes.

7 Q Okay. So those are the --

8 A I'm saying that I didn't -- sorry. I --
9 there are other opinions that I express as to
10 specific incidents in that analysis.

11 Q But those three areas that we've read into
12 the record are really the overarching opinions; is
13 that correct?

14 A Yes.

15 Q Okay. So let's talk about Ms. Huang
16 remaining silent. When did you interview Ms.
17 Huang about the reasons that she remained silent?

18 A I did not interview Ms. Huang about her
19 reasons for remaining silent.

20 Q Okay. So she has never told you the
21 reasons she remained silent; is that correct?

22 A I have read in detail her deposition as
23 well as the two substantial reports that she has
24 provided about her experiences and her fears. I
25 treated those as data points and applied that

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1 against a significant body of research, including
2 my own book, as well as research subsequent to
3 that book.

4 Q Okay. Okay.

5 So let's go back, then. I want to stay on
6 this first opinion about why she remained silent
7 and go back to that first page of your report.
8 "My opinion is that Ms. Huang remained silent
9 because she was aware of the significant power
10 differential that existed between her and OSU
11 Professor Rizzoni."

12 Did I read that correctly?

13 A Yes.

14 Q What evidence do you have to support that
15 opinion?

16 A As I just said, I -- how -- how she felt
17 is expressed in detail in her two lengthy reports
18 as well as the -- her deposition, and her behavior
19 was entirely consistent with a very extensive body
20 of research and analysis.

21 Q About what?

22 A About power differentials, fear of
23 retaliation, and how that impacts on why victims
24 remain silent.

25 Q Okay. Can you tell me what authority that

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1 is? Can you cite to the bodies of research to
2 which you refer?

3 A In the --

4 Q Besides your own book. Besides your own
5 book.

6 A Well, in the appendix, I cited to a number
7 of studies that I -- that I -- that I cited to in
8 the -- in the report itself, and I have reviewed
9 over the years, in the work that I do, the
10 training and the writing collectively that I do
11 perhaps many hundreds, if not thousands, of
12 studies on this topic. This is a particular area
13 of focus and expertise of mine that I spend a lot
14 of time thinking about and writing about and
15 interviewing people about.

16 Q Well, my only question is: Can you tell
17 me, as you sit here today, any -- cite to any of
18 the research you've relied on?

19 A I cannot, off the top of my head, name for
20 you authors and studies. I could, however, open
21 cabinets behind me of stuffed drawers and files of
22 hundreds of studies that I have read over the
23 years --

24 Q Okay.

25 A -- and continue to read in my work.

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1 Q Okay. And that power differential, you
2 see that in all kinds of places, right? Bosses,
3 subordinates, professors, students, presidents,
4 vice-presidents. I mean, you see that everywhere,
5 right?

6 A Power differentials exist in numerous ways
7 in a workplace.

8 Q This isn't just an Ohio State University
9 issue, is it?

10 A No.

11 MR. FOX: Objection to form.

12 Q Well, the power differential between a
13 professor and a student is just -- it is what it
14 is. It's not something that's unique to the Ohio
15 State University, is it?

16 A The power differential between a professor
17 and a student is an area so fraught with potential
18 for harassment of this nature -- of the nature
19 that we're talking about, that there are many
20 studies and publications that have been written on
21 that topic. It is certainly not unique to Ohio
22 State but is a long recognized major problem
23 within higher education.

24 Q And what makes you think Ohio State
25 doesn't recognize that very issue?

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1 A I did not say that one way or the other.

2 Q Okay. So, then, that's my question: Do
3 you have any reason to believe that Ohio State
4 didn't recognize that there's an imbalance of
5 power between professors and students?

6 A I have read as -- by -- I mean, I have --
7 certainly in terms of media articles and other
8 reports that I have read about Ohio State's
9 particular experience with sexual abuse and sexual
10 harassment is -- would not lead me to draw a
11 conclusion that Ohio State has solved its
12 problems.

13 Q That's not my question.

14 A Well, I'm not --

15 Q My question was: What leads you to
16 believe that Ohio State didn't realize or
17 appreciate that these -- this power differential
18 exists?

19 MR. FOX: Objection. Ohio State the
20 institution or the administration? Who are you --
21 who are you referring to as "Ohio State"?

22 MS. CORL: The institution. Isn't that
23 who you're talking about?

24 MR. FOX: So what's -- what's the
25 question? Does the institution recognize a power

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1 differential?

2 MS. CORL: No. My question is: What
3 evidence does this witness have that Ohio State
4 didn't recognize with respect to Ms. Huang or any
5 other sexual harassment case between a professor
6 and student, that there's a --

7 MR. FOX: Was it with respect to Ms.
8 Huang, or is it a broader question? If it's a
9 broader question, I'm going to object.

10 BY MS. CORL:

11 Q Can you answer my question?

12 A Do you want to go -- I was waiting to make
13 sure you were both done. So -- I'm sorry. Do you
14 mind repeating the question or have her read it
15 back.

16 Q Sure.

17 A Either way.

18 Q No. I can -- well, let's just stick with
19 this case.

20 What information do you have that would
21 lead you to believe, if you do, that Ohio State
22 didn't recognize that there was a power
23 differential between Dr. Rizzoni and Ms. Huang?

24 A What I can respond to is that you have a
25 PhD student that is alleged to have experienced

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1 years of harassment that she describes as
2 humiliating and shameful to her and that she did
3 not feel that the -- there was anywhere to turn in
4 the institution to support her. That's all I can
5 say by way of an answer to that. I cannot
6 speak --

7 Q Well --

8 A -- to the entire institution.

9 Q Well -- and you read the depositions of
10 the investigators in which they freely acknowledge
11 that they understood that there was a power
12 differential.

13 Do you remember reading that testimony?

14 A Yeah, I do.

15 Q Okay. And you didn't read the policies of
16 Ohio State, but the policies of Ohio State with
17 respect to sexual misconduct fully acknowledges
18 that there exists a power differential that is
19 recognized by the policies and procedures.

20 Are you aware of that?

21 A A power -- a power -- recognizing a power
22 differential only matters if there are supports
23 and processes in place that allows victims to feel
24 safe and to feel that that power differential will
25 not be used against them. The fact that somebody

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1 can intellectually know it exists is not
2 particularly relevant. What's relevant is what is
3 conveyed to somebody to know that they are in an
4 institution where it is safe, as compared to what
5 might be on the record about that same institution
6 that would give a great deal of pause.

7 Q Well, you don't know what supports and
8 processes were in place at Ohio State because you
9 didn't review any of that information; isn't that
10 correct?

11 A I don't -- I did not review the
12 process-- -- the policies of Ohio State. That
13 statement is correct.

14 Q Okay. So you don't know what support was
15 in place for Ms. Huang?

16 A It doesn't matter what I know about what
17 was in place for Ms. Huang. What matters is what
18 was conveyed to her as a PhD -- as a PhD student,
19 feeling that she was being harassed and what did
20 she feel was available to her.

21 Q Well, do you have some reason to believe
22 that Ms. Huang didn't know about Ohio State's
23 policies and procedures?

24 A As I indicated earlier, I am looking at
25 the facts of this case as presented. I'm not the

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1 that she felt fearful and vulnerable and was in
2 danger of being retaliated against by a professor
3 with significant power and prestige over her.

4 Q Okay. Those are two -- your question and
5 my -- your answer and my question are missing one
6 another, okay?

7 A Okay.

8 Q You're answering what she did, right? She
9 decided not to report for whatever reason, and you
10 can opine about that later. That's not my
11 question. My question is: Do you have some
12 reason to believe she didn't know she could
13 report?

14 A I have no opinion about that one way or
15 the other.

16 Q Okay. All right. Okay.

17 I'm reading on in your paragraph. We just
18 got done talking about the impact of the power
19 differential that resulted in retaliation. Next
20 we go on to the treatment she received once she
21 reported the behavior, right?

22 A I'm sorry. Are you on page 2- --

23 Q That first -- well, that's actually the --
24 sorry about that. That was your first sentence.
25 The next part of your opinion on that first page

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1 A I only know what is in the report, and the
2 report is what is the -- the relevant document to
3 try to understand how the investigators went about
4 their work.

5 Q Okay. Can you cite me to any authority
6 that holds that investigation reports must detail
7 every single bit of minutiae that was included in
8 the investigation? Do you have any authority for
9 that proposition?

10 A I would not accept the qualification that
11 we're talking about minutiae with respect to the
12 concerns that I'm raising. So I can't --

13 Q Well, so why --

14 A -- answer that question.

15 Q Let's just generally go to report writing
16 foundation and basics. Can you cite me to any
17 authority at all that you relied on to research
18 your conclusions about how to write investigation
19 reports?

20 A That was not what I was tasked to do, and
21 I --

22 Q Well, your entire opinion is based upon
23 how this report is written. You're claiming it's
24 not written properly; yet you don't have a single
25 piece of authority about how it should be written?

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1 A I'm claiming -- I am not claiming it
2 wasn't written properly or improperly. I'm
3 claiming that based on the analysis provided in
4 the report, there is a lot missing with respect to
5 the conclusions and the discussion that we have
6 already outlined and talked about. This is --
7 this is not -- my analysis is not about grading
8 somebody in report writing.

9 Q Well, your opinion is that somehow this
10 university fell below the standard of care because
11 of what is not contained in the report. And my
12 question to you is --

13 MR. FOX: Objection to form.

14 Q -- how do you --

15 MR. FOX: That's not what she's
16 testifying.

17 Q How do you know what should be contained
18 in the report? You've never written an
19 investigative report.

20 A I've never referenced a standard of care.
21 I referenced my -- my own expertise in this area
22 about the specific issues that I was asked to
23 analyze.

24 Q Okay.

25 A I do not --

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1 Q My question is --

2 A -- purport to be somebody who is of value
3 of telling people how to write a report. You can
4 ask me that as many times as you want; the answer
5 won't change. I am not somebody here to direct
6 somebody or tell them how to write a report. I
7 wasn't hired to grade their report. I was hired
8 to analyze facts as presented around specific
9 issues that we discussed that were already read
10 about the conclusions of the report.

11 Q Okay. But your testimony is that there is
12 a whole bunch of very important stuff that's been
13 left out of this report; is that correct?

14 A All relevant to the issues that I was
15 opining on --

16 Q Okay.

17 A -- correct.

18 Q And my question is: How do you know what
19 should be or shouldn't be in this report?

20 A And my answer is that with respect to the
21 issues on which I was opining, key information was
22 missing.

23 Q But you don't know whether it was
24 considered or not because you don't know what was
25 considered. You just know what was written,

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1 MS. CORL: Yes.

2 Q Okay. So I want to know what you know
3 other than reading studies about the prevalence of
4 sexual harassment in higher education.

5 A I don't understand your question.

6 Q Okay. Well, how do you know there is a
7 prevalence of sexual harassment in higher
8 education?

9 A Well, I know because I read voraciously on
10 this topic, including detailed studies. I read
11 reports within colleges, their own reports on this
12 issue. There are numerous data points in the
13 research about this specific issue, including in
14 detail in the Sexual Harassment Task Force from
15 Ohio State University. This is a long significant
16 problem in higher education, and there are
17 probably thousands of data points out there to
18 support that.

19 Q Okay. How does the incidence of sexual
20 harassment in higher education differ from the
21 incidence of sexual harassment in the general
22 population?

23 A What the -- the major differences are --
24 well, they're differences in kind. I think when
25 you look at the -- the studies and analysis that

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1 was in litigation at the time you drafted your
2 report; is that correct?

3 A I'm saying I simply do not recall, yes.
4 That is all I'm saying.

5 Q Okay. And did that case ever eventually
6 go to litigation, if you know?

7 A I know the case settled.

8 Q Do you know who the -- do you remember who
9 the parties were in that case?

10 A It was -- no. The names of the parties I
11 do not recall.

12 Q Well, for instance, was it a -- was it
13 another higher ed., case? Was it an employment
14 case?

15 A It was a workplace sexual harassment case.

16 Q Okay. Have you ever before been asked to
17 provide expert testimony in a higher ed., case?

18 A No.

19 Q Okay. Have you been subject to any sort
20 of professional discipline of any kind?

21 A No.

22 Q Have you ever been arrested and convicted
23 of a crime? Don't answer that. I was just
24 kidding.

25 A For the record, no.

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1 Q You're -- you're going to submit an hour
2 -- a bill for the hours that you've spent, and
3 you -- and that will be paid independent of the
4 outcome of the case; is that --

5 A Yes.

6 Q -- your understanding?

7 A Yes.

8 Q Okay. Other than the attorneys for Ms.
9 Huang, have you spoken to anyone about this case
10 or about your opinions?

11 A The -- other than people who are part of
12 Bruce Fox's team?

13 Q Correct.

14 A I have not.

15 Q Okay. Have you ever spoken with anyone
16 currently or formally employed by the Ohio State
17 University about this case?

18 A No.

19 Q Have you ever spoken to any other student
20 who claims that she was inappropriately touched by
21 Dr. Rizzoni?

22 A No.

23 Q Have you drawn some sort of conclusion
24 about whether Ms. Huang's allegations of sexual
25 misconduct are true or not?

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1 A That is not within the purview of what I
2 was asked to do. That's not an opinion that I
3 have drawn.

4 Q Okay. And so also you haven't drawn any
5 conclusions with respect to the credibility of Ms.
6 Huang, correct?

7 A I -- I have not. That's not what was in
8 the purview of what I was asked to do.

9 Q And you've drawn no conclusions about the
10 credibility of Dr. Rizzoni, correct?

11 A That also is not in the purview of what I
12 was asked to do.

13 Q And you've drawn no conclusions regarding
14 the credibility of any witnesses that were
15 interviewed for the purpose of the investigation;
16 is that correct?

17 A I would say that with respect to the
18 information provided in the report and the
19 credibility of the witnesses, that there -- that I
20 certainly have drawn an opinion that there was
21 information missing to be able to properly assess
22 that.

23 Q Well, that's not my question. My question
24 is: Have you made any credibility determinations
25 regarding any of the witnesses who were